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C O N F I D E N T I A L SECTION 04 OF 04 ZAGREB 000167

SIPDIS

DEPARTMENT FOR EUR (DAS BOGUE), EUR/SCE, EUR/ERA AND PRM
USNATO FOR MOELLER AND DEHART
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PAGE 02 ZAGREB 00167 04 OF 04 231842Z

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TAGS: [PREF PHUM PREL HR EUN UN NATO UNHCR](#)

SUBJECT: REFUGEE RETURNS: RATCHETING UP IC PRESSURE ON
CROATIA

ON 9 OCTOBER 2002, WE HAD THE PRIVILEGE OF MEETING AS A GROUP WITH YOU TO SHARE OUR CONCERNS ABOUT ISSUES RELATING TO SOME OF CROATIA'S INTERNATIONAL OBLIGATIONS WHERE WE BELIEVED FURTHER DECISIONS HAD TO BE TAKEN OR IMPLEMENTATION STRENGTHENED IN ORDER TO ENSURE PROGRESS TOWARDS EURO-ATLANTIC INTEGRATION. WE STRESSED OUR COMMITMENT TO A COLLABORATIVE EFFORT THAT WOULD USE OUR INSTITUTIONS' RESOURCES TO ASSIST YOUR GOVERNMENT IN ENSURING THAT LEGISLATION AND IMPLEMENTATION WOULD FURTHER THAT IMPORTANT OBJECTIVE. WE APPRECIATED YOUR POSITIVE RESPONSE ON THAT OCCASION, PARTICULARLY YOUR STATED DESIRE TO MEET FOR THEMATIC DISCUSSIONS WITH US SOON AFTERWARDS.

WE FOLLOWED UP BY A LETTER ON 14 NOVEMBER, PROPOSING A SUBSTANTIVE ACTION-ORIENTED MEETING ON A CORE ISSUE, REFUGEE RETURN AND REINTEGRATION. IN THE POSITIVE SPIRIT OF OUR OCTOBER DISCUSSION, WE SUGGESTED FRAMING THAT DISCUSSION IN THE CONTEXT OF A TOP-LEVEL PUSH TO REINVIGORATE THE JOINED LEGAL WORKING GROUP (JLWG). SUCH AN IMPETUS WAS NEEDED BECAUSE THE GROUP HAD SUFFERED FROM INADEQUATE HIGH-LEVEL ENDORSEMENT. SINCE WE HAVE NOT RECEIVED ANY RESPONSE MORE THAN TWO MONTHS LATER, WE FEEL COMPELLED TO PRESENT SOME FURTHER THOUGHTS IN THE FORM OF THIS LETTER. EACH OF US HAS ATTRIBUTED GREAT
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PAGE 03 ZAGREB 00167 04 OF 04 231842Z
SIGNIFICANCE TO THE JLWG. USED PROPERLY, THE GROUP COULD BE INSTRUMENTAL IN ESTABLISHING A COMMON VIEW, CATALYZING ACTIONS OF YOUR GOVERNMENT AGENCIES AND THE SUPPORT OF THE INTERNATIONAL COMMUNITY, THEREBY MOVING CROATIA'S EURO-ATLANTIC ASPIRATIONS FORWARD MORE QUICKLY. THE JLWG HAS BEEN CITED POSITIVELY FOR THE LAST 18 MONTHS IN VARIOUS ASSESSMENTS OF CROATIA'S EFFORTS IN THE RETURN AND REINTEGRATION AREA. THAT IS ONLY MERITED, HOWEVER, IF THE GROUP IS GIVEN A REAL OPPORTUNITY TO WORK ON RELEVANT LEGISLATIVE PROPOSALS.

YOUR GOVERNMENT GAVE A NEGATIVE SIGNAL IN THE MEANTIME, WHEN IT RECENTLY ADOPTED THREE DRAFT LAWS ON STATE COMPENSATION FOR DAMAGES, INCLUDING A PROPOSAL INTENDED TO ADDRESS THE ISSUE OF PARLIAMENT'S 1996 RETROACTIVE SUSPENSION OF PENDING JUDICIAL PROCEEDINGS UNDER ARTICLE 180 OF THE LAW ON OBLIGATIONS, WITHOUT ENGAGING THE JLWG. THESE MATTERS HAD BEEN ON THE JLWG'S AGENDA SINCE ITS INCEPTION IN MID-2001, AND THEY WERE LISTED AS ISSUES OF CONCERN IN OUR LETTER OF 14 NOVEMBER. WE CANNOT ENDORSE YOUR GOVERNMENT'S PROPOSAL, SINCE THE DRAFT LEGISLATION DOES NOT PROVIDE ANY REMEDY FOR PERSONS WITH SUSPENDED AND PENDING CLAIMS FOR DESTROYED PROPERTY. PRIOR DISCUSSION IN THE JLWG COULD HAVE ENSURED THAT THE DRAFT LAWS WOULD HAVE MET INTERNATIONAL STANDARDS.

WE REGRET THE FAILURE OF THE CROATIAN SIDE TO TAKE ADVANTAGE OF THE POSSIBILITIES OFFERED BY THE JLWG. PENDING RENEWAL OF A CLEAR GOVERNMENT COMMITMENT TO THE JLWG ALONG THE LINES THAT WE HAVE SUGGESTED, WE THEREFORE DO NOT FIND IT USEFUL TO CONVENE FURTHER MEETINGS OF THE GROUP. MEANWHILE, WE WILL
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PAGE 04 ZAGREB 00167 04 OF 04 231842Z
CONTINUE TO SEEK CONSTRUCTIVE WAYS TO SHARE OUR VIEWS WITH YOUR OFFICIALS.

WE WILL REPORT TO OUR CAPITALS AND HEADQUARTERS OF OUR INABILITY TO BRING ABOUT A FRUITFUL DIALOGUE AND MEANINGFUL PROGRESS ON THE LEGAL AND ADMINISTRATIVE IMPEDIMENTS TO RETURN AND REINTEGRATION. THIS WILL BE REFLECTED IN FORTHCOMING ASSESSMENTS OF CROATIA'S PROGRESS WITHIN THE STABILIZATION AND ASSOCIATION PROCESS WITH THE EU AND THE MEMBERSHIP ACTION PLAN WITH NATO, AS WELL AS IN REPORTING BY THE OSCE, AND WILL SHAPE OUR PUBLIC COMMENTS ON RETURN AND REINTEGRATION IN CROATIA.

CROATIA'S PROGRESS TOWARDS ACHIEVING EU AND NATO MEMBERSHIP WILL BE CONDITIONED BY ITS ENACTMENT AND IMPLEMENTATION OF LAWS AND REGULATIONS THAT FACILITATE RETURN AND REINTEGRATION AND MEET INTERNATIONAL STANDARDS, AS WELL AS OTHER ISSUES ENCOMPASSED IN THE OSCE MANDATE. WE ENCOURAGE YOU TO SEIZE

THE INITIATIVE IN ORDER TO MEET THOSE OBJECTIVES. END TEXT.

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